HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19623 of 2006

Dated:22.09.2006

Between:

Smt.Savithri Dabas.

…Petitioners

and

The Gram Panchayat and another.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19623 of 2006

ORDER:

The petitioner purchased the land admeasuring Acs.25.13 guntas comprised in Survey Nos.57 (part) and 59 (part) situated at Kanakamamidi Village of Moinabad Mandal in Ranga Reddy District, under registered sale deeds during the period 2000-2001. He is allegedly in possession of the property and got a layout approved from the first respondent, where after, she sold the plots. The second respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short 'the Rules'), and issued a notice in Form-I under Rule 3 of the Rules to show cause as to why she should not be evicted from the land admeasuring Acs.4.09 guntas in Survey No.57/P. The petitioner immediately submitted explanation. She alleges that even while the enquiry is pending before the second respondent, the first respondent instigated by the second respondent, is trying to interfere with the possession of the petitioner's property. Therefore, she seeks a direction to the respondents not to interfere with the possession, pending the proceedings under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), and the Rules.

Heard the learned Counsel for the petitioner and the learned

Assistant Government Pleader for Revenue (Assignment).

As rightly pointed out by the learned Assistant Government Pleader, the Writ Petition is filed on a mere apprehension. The second respondent has already issued a show cause notice under Rule 3 of the Rules on 31.08.2006, and the petitioner statedly submitted explanation. There is no manner of doubt that pending final orders under Section 4 of the Act and resumption of the land as per law, the respondents would unnecessarily interfere with the possession. Secondly, even according to the petitioner, she sold the land to number of persons dividing into plots, and therefore, the Writ Petition must be held to have been filed on apprehension.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

22.09.2006
vs